

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
OWEN HARTY, Individually,  
Plaintiff,

v.

WEST POINT REALTY, INC., a New York  
Corporation,  
Defendant.

-----x  
ORDER

19 CV 8800 (VB)

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 12/17/2019

On September 23, 2019, plaintiff Owen Harty commenced the instant action against defendant West Point Realty, Inc. (Doc. #1).

On October 10, 2019, plaintiff docketed a proof of service, indicating service on defendant on September 30, 2019. (Doc. #6). Defendant had until October 21, 2019, to respond to the complaint.

On November 1, 2019, the Court issued an Order directing plaintiff to seek a certificate of default as to defendant by November 15, 2019, and thereafter move for default judgment by November 29, 2019, provided defendant remained in default. (Doc. #7). The November 1 Order warned plaintiff in bold and underlined font that failure to satisfy either deadline may result in dismissal of this case without prejudice for failure to prosecute or failure to comply with court orders. (Id.).

On November 6, 2019, Joshua Levin-Epstein and Jason Mizrahi filed notices of appearance on behalf of defendant. (Docs. ##8, 9).

To date, plaintiff has not sought a Clerk's certificate of default as to defendant, and defendant has not answered, moved, or otherwise responded to the complaint.

Accordingly, by December 26, 2019, plaintiff shall notify the Court of the status of this case. Failure to do so will result in dismissal of this case without prejudice for failure to prosecute or failure to comply with court orders. Fed. R. Civ. P. 41(b).

Dated: December 17, 2019  
White Plains, NY

SO ORDERED:



\_\_\_\_\_  
Vincent L. Briccetti  
United States District Judge